

**Remarks/Arguments**

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 18, 23 and 27 are amended. Claim 30 is added.

**Claim Rejections under 35 U.S.C. §102(b)**

Claims 11, 14-18, and 20-29 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,789,060 to Weisenbach (hereafter "Weisenbach"). That rejection is respectfully traversed.

Claim 11 recites a chassis and one or more fixation elements in the form of screws and/or pins, wherein each fixation element is received in the chassis in such a way that it is locked by friction regarding movement. The frictional locking of the fixation elements is given by means of the material of the chassis having an elasticity giving a locking effect by means of friction on the fixation elements

Weisenbach does not teach such a structure. Weisenbach teaches that clamp members 12, 15 are anchored with respect to a bone via anchor screws 8 screwed into holes 7 (lines 59-64 and Fig. 1). Slots 13 and 16 of the clamp members 12, 15 are adapted to slide over anchor screws 8 and the clamp members 12, 15 are rigidly secured over the screws 8 by means of and between nuts 26 which thread on anchors screws 8 (lines 88-94 and Fig. 1). That is, the screws 8 are fixed relative to the clamp members 12,15 by the nuts 26 providing a clamping force to the top and bottom of each clamp member 12,15 while being threaded to each screw 8. The screws 8 and nuts 26 are not locked relative to the clamp members 12,15 due to the elasticity of the clamp members 12,15 imparting friction on the screws 8 and ~~of~~ <sup>or</sup>

nuts 26. In fact, there appears to be no actual contact between the screws 8 and the clamping members 12,15. Thus there can be no friction imparted by clamp members 12,15 to the screws 8. Even if the screws 8 contacted the slots 13, 16, without the nuts 26 present, the clamp members 12,15 simply slide down the screws 8. Thus, the elasticity of the clamp members 12,15 does not give a locking effect to the screws 8. Since Weisenbach does not teach the subject matter of claim 11, it is respectfully submitted that claim 11 patentably defines over Weisenbach and is therefore allowable.

Claims 14, 16-18, 20-23 and 30 depend from claim 11 and are allowable for the same reasons as claim 11 and for the specific limitations recited therein.

Claim 15 recites that the screws of the fixation elements are screwed into the chassis and bone structure in such a way that the screws move equidistantly in the chassis and the bone structure. Weisenbach does not teach such structure. Weisenbach appears to teach that slots 13, 16 of the clamp members 12, 15 are adapted to slide over anchor screws 8 (lines 88-90). That is, the screws 8 are not screwed into the clamp members 12, 15, as recited in claim 15. Thus, the screws 8 do not move equidistantly in the clamp members and the bone. Since Weisenbach does not teach the subject matter of claim 15, it is respectfully submitted that claim 15 patentably defines over Weisenbach and is therefore allowable.

Claim 23 recites, *inter alia*, that a one-piece fixation element is connected to the chassis only by frictional engagement with the chassis to prevent movement of the fixation element relative to the chassis.

Weisenbach does not teach such a structure. Weisenbach teaches that clamp members 12, 15 are anchored with respect to a bone via anchor screws 8 screwed into holes 7 (lines 59-64 and Fig. 1). Slots 13 and 16 of the clamp members 12, 15 are adapted to slide over anchor screws 8 and the clamp members 12, 15 are rigidly secured over the screws 8 by means of and between nuts 26 which thread on anchors screws 8 (lines 88-94 and Fig. 1). That is, the screws 8 are fixed relative to the clamp members 12,15 by the nuts 26 providing a clamping force to the top and bottom of each clamp member 12,15 while being threaded to each screw 8, respectively. Without the nuts 26, the clamp members 12,15 would slide along the screw 8 in slots 13 and 16 without any frictional engagement between the clamp members 12, 15 and the screws 8. In fact, there is no actual contact between the screws 8 and the clamping members 12,15. Thus there can be no frictional engagement between the clamp members 12,15 and the screws 8. Since Weisenbach does not teach the subject matter of claim 23, it is respectfully submitted that claim 23 patentably defines over Weisenbach and is therefore allowable.

Claim 24 recites that the chassis has an elasticity that gives a locking effect on the fixation element. Weisenbach does not teach such structure. As noted, the screws 8 and clamp members 12,15 in Weisenbach are not in contact with one another. The elasticity of the clamp members 12,15 cannot give a locking effect to the screws 8 without being in contact therewith. Even if the screws 8 contacted the slots 13, 16, without the nuts 26 present, the clamp members 12,15 simply slide down the screws 8. Thus, the elasticity of clamp members 12,15 does not give a

locking effect to the screw 8. Since Weisenbach does not teach the subject matter of claim 24, it is respectfully submitted that claim 24 patentably defines over Weisenbach and is therefore allowable.

Claim 26 recites that the screws of the fixation elements are screwed into the chassis and bone structure, the fixation element moving equidistantly in the chassis and the bone structure. Weisenbach does not teach such structure. Weisenbach appears to teach that slots 13, 16 of the clamp members 12, 15 are adapted to slide over anchor screws 8 (lines 88-90). That is, the screws 8 are not screwed into the clamp members 12, 15, as recited in claim 26. Thus, the screws 8 do not move equidistantly in the clamp members and the bone. Since Weisenbach does not teach the subject matter of claim 26, it is respectfully submitted that claim 26 patentably defines over Weisenbach and is therefore allowable.

Claims 25 and 27-29 depend from claim 23 and are allowable for the same reasons claim 23 is allowable, and for the specific limitations recited therein.

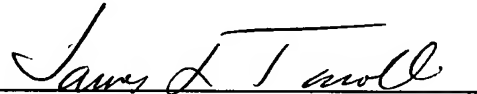
Claim Rejections under 35 U.S.C. §103(a)

Claims 13 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weisenbach. Claims 13 and 19 depend on claim 11 and are allowable for the same reasons as claim 11 and for the specific limitations recited therein.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James L. Tarolli", written over a horizontal line.

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